

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

NO. 3:19-CR-65

**LATROY DANIELS
GREGORY MOFFETT
MICHAEL WILLIE
DERRICK HOUSTON
DARRELL STEELE**

ORDER GRANTING CONTINUANCE

On August 26, 2021, Derrick Houston filed a motion to continue the October 18, 2021, trial date. Doc. #397. As grounds, Houston represents that due to the ongoing pandemic, the particularly high rate of infection in Mississippi, and the fact this multi-week trial will involve approximately 50-60 witnesses and multiple incarcerated defendants, “it seems likely that during the course of the trial a juror, witness, defendant or attorney could become infected [with COVID-19] resulting in the possibility of a mistrial.” *Id.* at 1–2. Further, representing that his counsel has been unable to review and investigate discovery material recently received from the government, Houston requests “that the case be continued to allow ... defense counsel additional time to review discovery; investigate same; and be thoroughly prepared for trial.” *Id.* at 2. Three of Houston’s codefendants—Gregory Moffett, Latroy Daniels, and Darrell Steele—joined the motion for the same reasons articulated by Houston. Docs. #399, #400, #401.

The Court believes that, even with proper safety precautions, conducting a prolonged multi-party trial starting on the current trial date in the midst of the pandemic would likely pose an intolerable risk to the health and safety of all involved, including the defendants. The Court concludes that the ends of justice justify a continuance for the purpose of protecting the health and

safety of all those involved in the trial and for the purpose of allowing Houston adequate time to review discovery and prepare for trial. Because the Court also concludes that these ends outweigh the best interest of the public and Houston in a speedy trial, the motion to continue [397] and all joinders [399][400][401] are **GRANTED**.¹

Trial is continued as to all defendants until **Monday, January 10, 2022**. The plea agreement deadline and the motions-in-limine deadline are both November 22, 2021.² The delay from this date until the commencement of such trial shall be excluded from all computations relative to the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) as to all defendants.³

SO ORDERED, this 30th day of August, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ Because the time to respond to the motion has not yet expired and the motion does not state whether Houston's remaining codefendant for trial opposes the motion, this ruling is subject to reconsideration.

² The discovery-related grounds for continuance suggested that Houston also sought the extension of pretrial deadlines but such is not requested in the motion. The Court nonetheless extended the deadlines pending at the time the motion was filed.

³ See 18 U.S.C. § 3161(h)(6) (excluding from all computations relative to the Speedy Trial Act "[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted").